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December 22, 2006

Father of 5-week-old baby charged

Eastpointe man, 20, faces child abuse count after his daughter is treated for a skull fracture.

Edward L. Cardenas / The Detroit News

EASTPOINTE -- A 20-year-old Eastpointe man is being charged with first-degree child abuse after his 5-week-old daughter was hospitalized with a skull fracture, internal bleeding and a cut lip, police say.

The infant is in the pediatric intensive care unit at St. John Hospital in Detroit.

Ted Wieckhorst was arraigned Wednesday in 38th District Court and is being held in the Macomb County Jail on \$500,000 bond in connection with the Dec. 14 incident.

Additional charges could be brought against the unemployed Eastpointe resident if his daughter's condition changes, authorities say.

"She is hospitalized with severe brain injuries. We are waiting to hear from the physicians on the level of brain activity," said William Cataldo, chief of the homicide unit for the Macomb County Prosecutor's Office.

"He did make a statement (about what happened to the infant), but we do not believe it is consistent with the injuries."

Wieckhorst will return to court Wednesday for a preliminary exam.

If convicted of first-degree child abuse, he could face up to 15 years in prison.

Investigators say that Wieckhorst was baby-sitting his daughter while the child's mother was away.

Police said Wieckhorst told them the child was suffering some breathing problems and he tried to clear the airway. Wieckhorst said he called his mother -- the baby's grandmother -- after the child had trouble breathing.

Once the grandmother arrived, they decided to take the infant to the hospital. But on the way, the baby stopped breathing, so they took the infant to the Eastpointe Fire Department on Nine Mile, authorities say. Emergency medical technicians revived the baby there and transported the child to the hospital.

Eastpointe Detective Lt. Leo Borowsky said Wieckhorst initially told police the baby had bumped her head against the changing table, but once doctors did X-rays on the child, they discovered she had internal bleeding from the front of the skull to the back, a fractured skull and evidence of an older injury.

"(Wieckhorst) was arrested that evening," Borowsky said.

You can reach Edward L. Cardenas at (586) 468-0529 or ecardenas@detnews.com.

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Man Gets Life in Prison for Killing Toddler

Reporter: Natalie Johnson



[Man Gets Life For Killing Toddler](#)

It's life in prison for the Lansing man convicted of abusing and killing his former girlfriend's toddler.

A judge handed down the sentence to Samuel Courtland Wednesday, he has no possibility of parole.

In May 2005, paramedics found baby Jaylan with broken bones and burns when arriving at his Lansing home. ☐

The two-year-old's mother, Cynthia Daniel, pleaded guilty to involuntary manslaughter and child abuse for her role in the child's death. A judge sentenced her to six to 15 years behind bars.

Find this article at:

<http://www.wilx.com/news/headlines/4972661.html>

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Article published Dec 21, 2006

Joe Simmons' prepared statement at Sonya Moussaed's trial

In writing this I hardly knew where to start. So often I think of it in terms of I, or we, and how it's affected my family, my wife, my son, but I have to keep coming back to Gracie. She was a little person and it was her life that was taken away. She deserved the same opportunities as any of us here, a chance to grow, to learn, and to enjoy all the wonderful things this world has to offer, her chance at life.

What can I say about Gracie? She was a beautiful little girl, beautiful to look at, and a joy to be around. I will tell her story as best I can, and ask that you keep in mind that the little girl I speak of was not yet a year-and-a-half-old.

She was so bright. She would try to say anything you'd ask her to. She was learning things so quickly. It was surprising how soon she realized what a phone was for. She would see one and say "Hello". So we bought her a toy phone of her own. One day my wife caught her talking on that phone, and thought it was mostly a child's gibberish, it was clear that she was talking to Gaga, the name she used for Holly's mother. She would mention her by name, talk and laugh. She was pretending to talk to her Grandma. Pretty imaginative! I think of another evening, when I went for carry out. When I walked in the house Gracie was there, and walking along side me, she looked up and said, "Pizza! Ummmm!" as clear as I can say it myself. My wife and I looked at one another and wondered, "Where did that come from?" She loved music. She and I would dance whenever she was over, and she had learned to operate the CD player herself. She was even trying to sing along on some songs. She had a small piano that she liked to play, and it was always fun to watch her because she didn't pound on the keys as many little ones might, but stuck out her two index fingers and played. She was so gentle with it. She was sharing, offering whatever she had without having to ask, and saying "thank you" when she gave, not yet grasping the difference between giving and receiving or please and thank you. And she was so curious. When we walked together she seemed to find everything interesting. She wanted to reach out and touch things and she would study them. Not with a blank stare, but with a real interest. You could tell the wheels were turning in her head. She was thinking. Most importantly, she was so loving, how many times have I picked her up only to have her lay her head on my shoulder and stroke my back with her hand? Hugs and kisses were always available too. And she loved to laugh, and we loved to laugh with her. I feel I'm doing a poor job at conveying how wonderful Gracie really was, and unfortunately, no one else will have the chance to know. But for us, she was as perfect a little as anyone could ever hope to have. She was our Gracie.

As far as how we've been affected by this, I can easily say it's the worst thing that's ever happened to me in my life. I've suffered the loss of friends and family including both of my parents, but nothing compares to this. It's the senselessness of it all, and no way to rationalize a totally uncalled for loss of a child. The person I most often witness suffering is my wife, and I can tell you for her it has been truly devastating. Before Gracie came along there seemed to be something missing in her life. Maybe it was the fact that our daughter and her family had recently moved to Memphis. My son-in-law's career had taken them there, and although they were doing well, they weren't here. My son had bought his first home at about the same time. He was enjoying his taste of independence, so we were not seeing him as often either. Whatever it was, when Gracie came along, that hole was filled tenfold. To say she loved Gracie might be an understatement. I can say with a clear conscience that no one in the world loved her more. She would reschedule, postpone, or cancel almost anything to have the chance to watch her or keep her overnight. It made no difference that Gracie may be a little cranky because she was not feeling well or perhaps she was cutting teeth. It didn't matter. She treasured every minute. I remember my wife, just in thinking out loud saying, "I love that baby so much. If anything ever happened to her it would just kill me." And it is, although literally, doing just that. How do you get over a phone call from your son saying "mom, leave work right now, Gracie quit breathing" in a voice, so disturbing, I could never attempt to duplicate here. You can only imagine. Then upon reaching the emergency room, hearing a doctor say, "She's not responding," and then, "She's gone." When the nurse came in and said you can come hold her if you like, my wife went while I stayed with my son, and when I went to check on her, I found her rocking Gracie and singing the ABC's to her because that always seemed to comfort her. And when we went home that day, there was no refuge. I found her clutching a child's blanket, and not being able to let go because as little girl's smell lingered on that blanket. A blanket that stays near our bedside still and I'll catch her, even now, on occasion, hugging that blanket, closing her eyes an tilting her head forward to smell that baby. Days without eating, months with no appetite, irregular sleeping habits, and nightmares, this has been her life. A home that's hard to be in because everywhere you look you see Gracie. In the family room trying to climb into her rocking chair and looking back to say "I'm stuck," sitting in the kitchen floor with a mixing bowl and spoon, entertaining herself while you prepare supper, the studio where she danced to now silenced music, a bathroom and a tub with a splash and a squeal of joy, a bedroom where an angel slept at night and the brightest eyes and biggest grin would greet you in the morning, and in the living room, small fingerprints on a coffee table that you can't bring yourself to dusty away, and for me, even the garage, where her wagon sits. She was so content whenever I would take her for a ride, and quiet as a mouse. Even now, when I have to move that wagon, I find myself giving her instructions, "Hold on Gracie. Hold on baby." But the nightmare doesn't end there. My wife is scared to death, afraid of losing someone else. It hurts to be around children, even though she loves them, she thinks she's changed so much her friends may not like her anymore, and sometimes pretends she's not hurting so as to protect others, feeling guilty to laugh, and wondering where it will end when you can't even buy groceries without a market analysis studying

your buying habits and issuing coupons for diapers along with your receipt. Even when she thinks that the pain is easing or that she's had a good day, there's another court date, or a chance comment, even though well meant, that brings it all back to the forefront. Then there's a 2-year-old's birthday you can't celebrate. Thanksgiving. Christmas. At times, my wife has felt that the only way for her to get over this would be for her, herself, to be put away or in the ground. There has not been a single day since our loss that she has not cried. Always thinking, "It's not fair, I want to kiss her little cheeks and hold her hand" and, in the simplest of terms, "I want her back, I just want her back!" And what of our son? My wife worries for him. He has suffered everything that we have and so much more. What must go through his mind, God only knows. But we'll take comfort in the fact that he's a good person and strong. And hope he can find the strength to get through this loss. He'll be changed forever, but he'll be OK, he has to be!

Sonny, for you ... I have to wonder what you were thinking. What was it that you wanted from life? I heard that you said you loved Gracie. So what happened? Did she not warm up to you and you came to resent her? Did that resentment then turn to hate? Were you jealous of her somehow because she was so smart and was learning so easy and progressing faster perhaps than your own son? Or was she just in the way? Were you that self-centered and selfish that you would go to this length to protect your lifestyle? You seemed to enjoy my son's company, the places you would go, and the things you'd do together. He provided a home for both you and your son. There was food on the table and a roof over your heads. He bought a car for you to drive and I'm sure that included insurance, plates and gas money. He even tried to help your mother by installing her kitchen cabinets. I know that because he borrowed the tools from me to do the job. When you had legal issues it was him that convinced you to face your problems and get your life in order, to do the right thing. And he was trying to help with your son, providing for him in any way he could and helping you to raise him. In return, he asked so little, companionship, and someone to help with Gracie when he worked. Was it too much to ask? If it was, why could you not simply speak up and say, "I don't want to do this?" Or were you afraid that a free ride would come to an end? I have to question if there was turmoil or abuse in your childhood. Why did you not see your rage toward a child as unacceptable behavior? Were you witness, or perhaps victim yourself of ill treatment? I can only wonder. These questions I ask are hard, but they are no harder than the questions you have left me to ask myself a thousand times. I will not apologize for raising these questions. I cannot afford to. A price too high has already been paid. Whether your past had bearing in this case or not, I cannot excuse you. You are a grown woman, you were able to make choices, and you should have recognized kindness when you saw it. When you first came to our home, your son was just a toddler and Gracie only an infant. We did everything we could to protect him. When we thought the upstairs railing spindles were spaced too far apart, and there was a danger of his falling between them, we doubled the number of spindles. And when we thought there was a danger of his falling down our staircase, we bought a gate, and when we knew you were coming over, we would try to make sure anything he could get hurt with was put away. He was the only one those things were done for. There were no other children who were at risk. And on the occasion that a gift was in order, we tried to buy not only something to entertain, but that was educational too. We cared! And in return, you took one of the most precious things we had, more precious than life itself. You said it was an accident. If that were true, why did you not seek help? Why in all those months have you never shown any signs of remorse? Why, not so much as an "I'm sorry?" There are so many people that I feel sorry for. I can't tell you how many have been hurt by this and are hurting still. Family, friends, folks that I hardly know that have been touched by this. I even feel bad for the jurors, though I'm grateful to them, because they had your life in their hands and had to make a decision they'll have to live with the rest of their lives. But I cannot be sorry for you. When I heard that you said, I DID NOT KILL THAT F_____ KID, any compassion for you went out the W_____. Where you are today is the result of your own doing. If there were others that influenced your life in a negative way, and if they care about you at all, that will be their cross to bear, just as my son, my wife, and myself must do, in that, we never saw you for the person you truly were, and did not protect Gracie from you. But in the end, it will be you that must suffer the consequences of your act. And someone much smarter than myself has determined what justice is to be prescribed in this matter. I will not gloat in your sentencing, I will find consolation in the opportunity to move forward in my life and, as from the start, I asked only that the person responsible be held accountable, and hoped that the punishment would fit the crime.

In closing I'd like to say what an inspiration Gracie was for me. She made me want to be a better person. I wanted to set an example for her to follow, to be a good role model. After she was gone, I told my wife I have to write down as much as I can about her. Everything she said and everything she'd done. I did not want to forget anything. And I told her that for me, it would always start and end with UP PAPA, which was what she would say to me when she wanted me to pick her up. UP PAPA, to look out a window, or to reach one of her snacks, UP PAPA, to look at a leaf on a tree, or just to be held. And though I can't today, lift her up physically, I hope, that I've been able to lift her in voice, and that once more I have listened, and answered the call, UP PAPA, UP PAPA.

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Verdicts Rendered In Caged Children Case

POSTED: 11:23 am EST December 22, 2006

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NORWALK, Ohio -- Jurors handed down verdicts Friday in the case of parents charged with forcing some of their 11 special needs children to sleep in wood and wire cages.

Sharen and Michael Gravelle were convicted of felony and misdemeanor charges of child endangering and abuse. Jurors deliberated four days, and the verdict was expected to be announced later Friday morning.

Jurors began deliberating Tuesday.

The endangering charges against the Gravelles accuse the couple of putting some of their children at substantial risk of harm to their mental health.

The Gravelles face one to five years in prison and a maximum fine of \$10,000 for each felony count if convicted.

The children, who suffered from problems such as fetal alcohol syndrome and a disorder that involves eating nonfood items, ranged in age from 1 to 14. Authorities removed them in September 2005 from the Gravelle home in rural Wakeman, about 60 miles west of Cleveland. The youngsters were placed in foster care last fall and the couple lost custody in March.

The case began when a county social worker visited the home after a complaint and likened the red and blue cages to kennels. In the trial, that social worker testified that the cages reminded her of slave quarters.

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December 21, 2006

Couple's call takes baby out of harm's way

Kevin Hill
Staff Writer

David Sherwood said it was clear what he and his wife, Chris, had to do when she discovered their neighbor's baby had a swollen lip and bloody nose.

"She told me about it and I said, 'Can't let that happen,'" said David Sherwood.

During a visit by his wife at neighbor, Jayme Stratton's, mobile home on Dec. 7, she saw blood on Stratton's 5-week-old son.

The baby's father, Steven Szyszkowski, is charged with two counts of first-degree child abuse. He waived his right to a preliminary exam in front of Judge Michael Gerou at the 35th District Court on Monday and was bound over to Wayne County Circuit Court for trial. Jayme Stratton, meanwhile, is accused of second-degree child abuse, for allegedly maintaining an environment in which abuse was taking place. She also waived her exam and was bound over Monday.

Chris Sherwood said the sight of the baby was a shock.

"I'd never expect this," she said. "There was blood on the floor and on the bassinet, and on Steve's shirt."

Chris Sherwood called 911 and said she was concerned about the infant. An officer who went to the house saw the facial injuries and police made the decision to transport the boy to C.S. Mott Children's Hospital in Ann Arbor. According to Canton Police Sgt. Rick Pomorski, doctors found the infant also had nine broken bones in his ribs, legs and toes.

According to Pomorski, Szyszkowski admitted to shaking the baby.

"The reason he did it, and we see a common thing with all of these (abuse cases), is that we had a screaming child. We have somebody ill-equipped to deal with a screaming baby. It just got to him and he snapped."

It's not the first such case this year. In January, Carlee Hines Jr. punched his girlfriend's crying infant while he was babysitting, causing its death. He is currently serving a 22 to 60-year sentence at a correctional facility for the murder.

The allegation against Szyszkowski astounded David Sherwood, who recalled his own daughter having colic at a young age and having to be patient with the infant's crying.

"I can't understand why anyone would do this," he said.

Pomorski said that Stratton suspected the abuse but did not report it.

"She had even talked to the guy about it. However, she never acted upon it and allowed the conditions to exist without getting any type of intervention."

Sherwood had no such qualms when she saw the child.

"That was it. I cut the line," she said. "Somebody had to step up to bat."

Pomorski said the caller was to be congratulated.

"You got to give her all the credit in the world," he said.

The infant is expected to make a full recovery. He was released from the hospital last week and given to Child Protective Services.

Szyszkowski is scheduled to be arraigned on the abuse charges at the Frank Murphy Hall of Justice in Detroit on Dec. 28. Each of the two counts carries a possible 15-year prison sentence. The charge against Stratton is a 4-year felony. She was given an arraignment date of Jan. 16.

<http://www.journalgroup.com/index.php?id=2382>

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Child Chokes To Death In Car Window

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A 3-year-old child is dead after getting her head stuck in the car window, police said.

The car was at the intersection of Brush Street and Lafayette Avenue in Detroit on Thursday night.

The mother and the grandmother were in the car at the time but were not aware of what was happening.

A witness notified the mother when they noticed the little girl, Local 4 reported.

Workers from Greektown's Atheneum Hotel were the first to arrive to try to help.

When police arrive they rushed the little girl to Children's Hospital, where she was pronounced dead.

Police are investigating because there was no sign of a car seat or any other restraint on the child.

Watch Video  [Child Chokes On Window](#)

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Article published Dec 22, 2006

Judge: Accused molester won't get help from prosecution

By Lisa Roose-Church
DAILY PRESS & ARGUS

A Livingston County Circuit Court judge denied Thursday a defense attorney's request to make the prosecution help a Tyrone Township man, accused of molesting his son, get out-of-state witnesses to appear at his trial.

But Judge David Reader did agree to set a hearing Jan. 8 to determine whether to admit at trial Daniel Sanford Tesen's statement to police regarding accusations he molested his then-12-year-old son.

Tesen's statements were not made public in court Thursday.

Prosecutors allege Tesen, 35, sexually assaulted his son at least 14 times in late April and early May after the teen's mother sent him to live with his father because he was being incorrigible.

Defense attorney Mack Spickard alleges police violated his client's constitutional rights when they interviewed him after he requested an attorney. Spickard also claims police and the prosecutor's office "took steps to keep Tesen from speaking to counsel."

Reader denied Spickard's request to order the prosecution to help him get witnesses from Las Vegas.

Those potential witnesses — a Child Protective Services' representative and a probation officer — are expected to testify that the accuser made similar accusations against his stepfather there which authorities were unable to substantiate.

Assistant Prosecutor William Valliencourt said it was not his office's responsibility to do Spickard's job, and said he felt the witnesses were not needed at trial.

"I don't believe these witnesses are relevant, much less necessary," he said.

At a preliminary hearing, the now-13-year-old testified that his father threatened to kill him if he told anyone about the alleged abuse.

The alleged incidents came to light in May after the teen, who previously lived in Las Vegas with his mother, passed a note that he was being abused by his father to one of the neighbor's children.

The neighbor child gave the note to his parents, who called 911.

The teen's mother, Heather Noles, said her son had a similar story in Las Vegas.

She said he went to a friend's home, where he made allegations that his stepfather "punched him in the face 20 times and knocked him out."

Las Vegas Child Protective Services agents were not able to substantiate the teen's claims, Noles said, noting that her son also stole hundreds of dollars from his mother, stepfather and friends.

It was this behavior, she said, that led her to send the teen to his father.

Tesen is charged with one count each of distributing obscene matter to a child, third-degree child abuse and truancy for failing to send his son to school.

He also faces 14 counts of first-degree criminal sexual conduct, which are punishable by up to life in prison.

The trial is set for February.

Contact Lisa Roose-Church at (517) 552-2846, or at lrchurch@gannett.com.

ANATOMY OF A CONVICTION: In a teacher's child-sex case, legal and child psychology experts question what the prosecution did and the defense didn't. The next call is the judge's.

BY L.L. BRASIER, JOHN WISELY and SUZETTE HACKNEY

FREE PRESS STAFF WRITERS

December 22, 2006

As an Oakland County judge ponders the fate of a kindergarten teacher found guilty of molesting two boys, legal experts and child behavior specialists say the case raises serious questions about the process that led to his conviction.

The debate over what happened or didn't happen in Classroom 101 at Key Elementary in Oak Park has only intensified since a jury convicted James Perry in September of snatching two boys -- ages 4 and 5 -- from a lunch line, dragging them into the classroom and forcing them to perform oral sex. Oakland County Circuit Judge Denise Langford Morris is considering a request to grant Perry, 32, a new trial or toss out his conviction since new witnesses recently came forward.



James Perry was convicted Sept. 20.

Experts interviewed by the Free Press cited several concerns. Among them:

- The case rested primarily on the children's accounts, which were not consistent during the investigation and trial. Prosecutors contended that children seldom lie about sexual assaults, but several leading experts on child behavior said extensive research in the last two decades has shown that small children can easily be led to fabricate stories, even unintentionally. Perry's defense lawyer did not call any experts to tell that to jurors.
- A legal expert said the boys' mothers may have testified beyond the limits of what the law allows as they recounted what their children told them. That kind of testimony is known as hearsay evidence and has limits on what jurors may hear.
- A former FBI profiler who specializes in child-sex cases said Perry doesn't match the profile of a pedophile who snatches and assaults children he doesn't know. No experts testified at Perry's trial about the characteristics of sexual predators.

It is impossible to know whether such evidence would have changed the jury's verdict. Prosecutors and police stand by the conviction, saying the boys' core testimony about being forced to perform oral sex on the teacher was consistent and found credible by the 12 jurors.

"This guy's a freak," Oakland County Prosecutor David Goreyca said in a November interview with a Free Press editor, noting that Perry had a collection of photographs of children and youth-oriented videos. The photos and videos were never introduced at trial, and Perry contends they were innocent.

The Perry case has been marked by unusual turns from the outset.

Prosecutors initially declined to charge him in October 2005, citing lack of evidence, before reopening the case more than three months later. Then last month, two months after Perry's conviction, the trial judge took the unusual step of delaying sentencing to reconsider the jury's verdict after witnesses at the school -- never interviewed by police -- disputed the prosecutors' account.

The judge is considering defense motions claiming Perry, who is jailed in Oakland County, was denied a fair trial because his original attorney, Ray Correll, performed poorly and because the attorney allowed him to wear an electronic tether visible to jurors. The device might have implied guilt to jurors, Perry's appellate lawyers say.

Langford Morris is expected to rule in January. Perry faces up to life in prison.

Children's testimony

Perry's march through the legal system began with the events of Oct. 12, 2005. Two hours after arriving for his first day of school, a 5-year-old would insist that Perry pulled him from a supervised lunch line and forced him to perform oral sex in a vacant room. Later the child alleged a 4-year-old was assaulted as well.

The 4-year-old initially denied being attacked. Over the next several months, during the investigation and at trial, the children's statements proved inconsistent on several issues, including whether they were together or alone when they said they were attacked.

The seven-day trial was built almost entirely around the testimony of the children and their mothers. Experts in child sex-abuse cases say this is common because the assaults are "crimes of privacy," and corroborating evidence is often difficult to establish unless there are signs of physical trauma, which were not present in this case.

Dr. Melvin Guyer, a legal expert and professor in the University of Michigan's department of psychiatry, said that although child witnesses are often truthful, their testimony must be handled with care, particularly when there is evidence that parents or other adults may have repeatedly interrogated the children.

"The allegations here are as bizarre as those in the 1980s day-care cases," he said, referring to prosecutions of preschool workers -- most notably at the McMartin Preschool in California -- that were discredited when it was found that repetitive, leading questions may have caused the children to invent accounts. Young witnesses are not inherently untrustworthy. Researchers have found that children as young as 3 can accurately recount experiences.

But Guyer said even graphic sexual descriptions by children don't guarantee that an attack occurred. Studies indicate that children, especially those younger than 6, can embrace false scenarios under repeated, leading questioning, he said.

One study by Central Michigan University, published in 2001 and involving 114 children, found that up to 40% of children under age 8 will add false details, including about unpleasant physical contact, to recollections if they're coached or questioned repeatedly.

The hearsay exception

Because there is often little to corroborate a child's account in criminal cases, prosecutors often seek testimony from the parents or other adults in whom a child confided. Courts usually restrict hearsay testimony, which includes secondhand accounts, but often make an exception in cases involving young witnesses, who may have limited memories or find it difficult to describe their abuse in court.

But this exception is limited: In Michigan, the child must be under 10 and his or her statements to the adult must have been made spontaneously and, in most cases, shortly after the reported incident.

"That's because after a while, it loses its trustworthiness," said Lawrence Dubin, a professor at the University of Detroit Mercy Law School and an expert on rules of evidence.

At Perry's trial, both mothers testified not only to what their children said in the immediate aftermath of the alleged assaults, but also about what the boys said weeks and months later. Both acknowledged repeatedly questioning the boys at length, including on one occasion questioning them together months after the allegations were made.

Experts say children's memories can be easily contaminated under continual questioning.

"After that, it becomes a lot harder to tell what's false and what's not," said Dr. Kamala London, a professor and researcher of children's testimony at the University of Toledo, who has served as an expert witness in numerous trials.

"Kids, especially young ones, come to believe the event took place, and will even begin to supply details."

Gorcyca remains steadfast that the boys' accounts were believable, as the verdict reflected.

The rape shield law

Yale Kamisar, a law professor at the University of Michigan whose books are staples in law schools nationally, said another key trial issue was how the rape shield law was used.

The law was created so rape victims would not have to fear having their sex lives gratuitously used against them in court, Kamisar said.

At Perry's trial, the law may have been misapplied, Kamisar said, when the jury was prevented from hearing testimony about whether the 5-year-old boy had been exposed to sexual contact previously.

The judge ruled that jurors could not see a portion of a transcript in which the child told sexual-abuse counselors -- who interviewed him on behalf of police -- that he was previously molested by a "kid named Naz."

Jurors also never learned that the boy's mother had reportedly confided to a teacher that she was angry after hearing her son say he was "tea-bagged." The word is slang for forced oral sex. The teacher, Lynn Duncan, said the mother also suggested that something similar happened to

the boy while they lived in Chicago.

The mother declined to comment on the boy's past.

Kamisar said of the shield law's use in the Perry case: "I don't think those who drafted this law could have begun to contemplate it being used any way like this. Technically ... this law may apply. But the people who drafted this never had anything this oddball in mind."

Lawyers who specialize in sexual assault cases said it is important to call experts who can explain the limitations of children's testimony, which didn't happen in Perry's case.

"These are very difficult cases to try," said Southfield attorney Gail Benson, whose practice centers on defending sexual assault suspects. "You really need a specialist."

Perry's trial lawyer, Correll, disagreed.

A profiler's view

Kenneth Lanning, a retired FBI behavioral analyst who spent much of his 33-year career at the bureau studying people who prey on children, said pedophiles generally fall into categories, and those who turn to teaching, coaching or other activities that bring them close to children usually befriend victims over time to gain their trust.

In this case, the 5-year-old boy was attending his first class at Key Elementary. He and the 4-year-old had never been in Perry's class.

While acknowledging there are exceptions, Lanning, who is not involved in the Perry case, said the idea that a veteran teacher would suddenly abduct two boys he didn't know was inconsistent with how most pedophiles operate.

"Generally, people who go into teaching, or coaching, or scouting because they are looking for their victims there will groom the children for a period of time, and develop a relationship," he said, adding: "It seems here they are saying a 'groomer' suddenly became a 'snatcher.' That's not consistent with the patterns we know. It appears that what you have being put forth in this case is the urban legend of what people think of when it comes to child molesters: some creepy guy leaping out of a dark corner."

Lanning said he was troubled that some witnesses -- such as teachers in or near the room where the boys said they were attacked -- were not questioned by police before trial.

Oak Park Public Safety Director John McNeilance said his department was at a disadvantage because prosecutors initially declined to pursue the case and it remained closed for four months before Gorcyca's office charged Perry.

"We lost the momentum in the investigation," McNeilance said. He conceded, however, that detectives should have interviewed witnesses assigned to the special-education room where prosecutors said the attacks took place, "well before the trial."

Some of those school employees have told the Free Press, and Perry's new defense team, that the room was occupied throughout the school day and the assaults could not have happened as described.

Erik Dolan, the detective in charge, relied on a statement by the school principal that special-ed children were assigned a different room for lunch, meaning the room could have been empty. Dolan has since sought to interview the new witnesses.

Correll wept when the verdict was announced Sept. 20 after the jury deliberated five hours.

"I was devastated," he said. "The facts in this case are incontrovertible -- two small children say they are pulled from a supervised lunch line, taken into a room that happens to be full of people, and sexually assaulted, all in eight minutes. It couldn't have happened."

Gorcyca, who has criticized Free Press coverage of the case and refused to talk to reporters in recent weeks, said in October:

"Somebody is trying to escape responsibility for poor performance in his own work. It's not our job to do his defense."

Contact **L.L. BRASIER** at 248-858-2262 or brasier@freepress.com, **JOHN WISELY** at 248-351-3696 or jwisely@freepress.com, and

SUZETTE HACKNEY at 313-222-6614 or shackney@freepress.com.



THE ANN ARBOR NEWS

Schools lack access to predator data

Central Registry process is voluntary in hiring checks

Thursday, December 21, 2006

Lawmakers who thought they rid Michigan schools of sexual predators last year should think again.

The state Department of Human Services has a confidential list of 317,000 people suspected of neglect, or physical or sexual abuse of a child.

People's names are placed on the list, called the Central Registry, by state social workers who believe these individuals have committed a crime against a child - even if the person hasn't been convicted or even arrested. In some cases an abused child was too young to testify, the child did not want to testify against a parent or once-trusted adult or there was not enough evidence to file criminal charges. Nevertheless, the state places the names of these alleged abusers on a list to limit their contact with children.

Created in the mid-1970s, Central Registry has some teeth. Being on the list bans a person from adopting a child or working in a day care. Once on the list, people can get off through an appeal process. However, schools have no way of knowing if a job candidate - or an employee - is on the list because they are unable to access it.

To use the Central Registry as a tool in its employment process, schools can send prospective employees to the state agency so they can get a form verifying they're not on the list. But that's a voluntary process.

Not only do schools lack direct access to this important check, some school officials aren't even aware the list exists.

One bureaucracy, DHS, is regulating day care workers while failing to inform schools through another state agency, the Department of Education, about people who are potentially dangerous to children.

This comes on the heels of the state's list of convicted felons who work in schools being made public last spring. Statewide that list turned up four convicted sex offenders and about 465 other felons.

There has to be a way for schools to use the information on the registry. The safety of school children is at stake.

The Jackson Citizen Patriot

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Garrity Bill bad legislation

There are good points and bad points about a legislative lame-duck session as with anything.

Just this last week, Michigan's Legislature passed bills regarding legal notices that benefit many small (mom-and-pop) newspapers in Michigan. It also passed legislation that hurt Michigan newspapers and the public.

Late last week, under pressure from law enforcement groups, the state Legislature passed the Garrity Bill, which allows law enforcement agencies to shield certain information from the public.

The Garrity Bill appears to have been in response to Wayne County Prosecutor Mike Duggan's efforts to access the statements of three Garden City police officers involved in a December 2005 shootout. The Michigan Court of Appeals ruled in Duggan's favor, which set the stage for the legislation.

No one should dispute the important role law enforcement officers play in our daily lives. They risk their lives to protect us and we should support their efforts at every reasonable opportunity. However, they should be held to the same standards of public accountability as any public official.

We should have learned our lesson in the Ricky Holland case. Special protections in place for state government a few years ago kept the public in the dark about serious problems with workers from Child Protective Services and Department of Human Services.



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Published December 21, 2006

On the record with Judge Manderfield

By Samantha Meinke
GL Woman

You know Paula J. M. Manderfield as the circuit judge who presided over Lisa Holland's sensational murder trial, and ruled against the Michigan Civil Rights Initiative ballot proposal.

She's handled her share of difficult cases, but it hasn't dampened her enthusiasm for the job.

"I think I have compassion for people who are being sentenced ... but then on the other hand I don't have any compunction against sentencing someone to many years in prison," she says. "I probably do my best work in the courtroom."

Finding her way to the bench took some time. Law is her second career.

While growing up in the Upper Peninsula, Manderfield, 53, says she didn't have a life plan. "My first job was as a car hop at the T-Pee," she says.

That was only temporary, of course. She went on to earn a bachelor's degree in nursing at Michigan State University and her law degree from Thomas M. Cooley Law School. She says she didn't hesitate to seize opportunities.

"I did a commencement speech for my high school in 2001, and I talked about how you go through life and have choices, and where you end up is the result of the choices you make,"



(Photo by Kevin Fowler | GL Woman)

Paula Manderfield: "I'm at my best when I'm in the courtroom."

All About paula

Name: Paula Jean Murphy Manderfield, 53

Occupation: Ingham County Circuit Court judge

Former Occupations: 54-A District Court judge, attorney, registered nurse

Family: Husband, David Murphy Gilstrap; Children: Rudy, 32; Madeline, 9; Harry and Katy, 7

On waiting for her second family: "Don't think that if you opt for a career that at that point you're not going to have a family, because you can have both. One may take a back seat for a few years ... but you can still have both. I encourage women to do what you want to do. Usually it just gives you more possibilities."

Scariest moment: "I was in Frandor shopping once ... and this dark green Blazer pulled up behind me and this guy rolled the window down while I was putting my stuff in my trunk and he goes, 'Judge Manderfield?' And it was these two guys in this SUV and I was worried. Then they said, 'the guys at the jail just want to thank you for the job

she says. "I really think that's true."

you're doing.' And then they drove off. It was so frightening at the moment ... I thought, 'Oh, no, do they have a gun in there and are they going to shoot me?' "

Born in the U.P.

She gives back: She founded the Paula J. M. Manderfield Scholarship at MSU to help nurses with associate's degrees earn bachelor's degrees. "I was ... trying to do something good. The nurses who get it are not usually people who qualify for other types of scholarships."

Manderfield is the eighth of 12 children born to her mother, a homemaker, and father, an engineer and chicken hatchery owner.

"They don't do birth order studies on families that big. I kind of grew up scrappin'," she says. "I started doing my own laundry at a young age because if I didn't ... I never got my own clothes back. It's given me a certain degree of determination and fortitude."

Sister Judy Coxen says Manderfield's always been headstrong. "She didn't go along with the group all the time."

Manderfield married her first husband, Ludwig Gazvoda, in 1972 when she was 19. At 21, she had her oldest son, Rudy Gazvoda.

At the same time she earned an associate's degree at Michigan Technological University and began working as a nurse.

"I didn't have some deep calling for it," she says. "But actually it's a wonderful profession."

She found professional satisfaction. Her marriage, however, crumbled.

"I just shouldn't have married him," she says now. "It was a mismatch."

They divorced in 1976; Manderfield decided to pursue a four-year nursing degree.

Nursing her life

There were only four schools in Michigan with such programs; none were in the U.P.

She chose MSU and made the agonizing decision to leave Rudy with his father.

"My husband was older and more settled," she says. "I gave him custody, which was an issue back then because ... it was not the right thing to do socially. But I thought it was the best thing for my son."

Her sister agreed.

"I told her I thought she was making the right decision," Coxen says. "She saw it wasn't in his interest to move him."

Manderfield assumed her new life as student and Ingham Regional Medical Center nurse gracefully - sort of.

"The first memory I have of Paula, she had broken her leg skiing and was working in the intensive care unit with a walking cast on. Back then they were like plaster yard ornaments," says Terri Shaver, a fellow former nurse and friend. "She crashed and burned and came right back to work. And she was an excellent nurse - thorough, conscientious and dedicated."

Manderfield maintains her passion for nursing.

"I just think it's a great profession. I keep my license active."

Medicine To Law

After finishing her bachelor's degree, Manderfield decided to attend graduate school.

"I always had an interest in law, but I wasn't really sure I was going to pursue it," she says. "I took the LSAT and I applied only at Cooley ... I got in."

She worked as a nursing administrator during law school. "She had to work so hard to do both," Shaver says. "She had no life."

Manderfield received her J.D. in 1982 and practiced law for eight years, first for Frank Landon Young and then Al Dalimonte.

Then Manderfield started a private practice, sharing offices with two other attorneys to keep costs down.

She handled cases such as personal injury, worker's compensation and criminal law.

"Toward the end, I did a lot of criminal and family law," she says.

After years of picking sides in the courtroom, Manderfield decided she wanted to be a judge.

"If you really want to do justice, you have to be a judge to hand it out," she says. "Attorneys are adversarial - they're representing the client's position. Being a judge put me in a position to see that people receive fair treatment."

Time of change

She ran for and lost a circuit court seat in 1990, but Manderfield wasn't discouraged.

"People told me to run for district court the next time," she says, "so that's what I did."

In 1992, she was elected a 54-A District Court judge.

Her career wasn't the only thing changing.

In September of 1993, she met her future husband, David Murphy Gilstrap, at a golf outing in Laingsburg.

"She was in hot pink shorts and looking really good," he recalls. He was impressed by her intelligence and driving skills and knew he had to meet her. "In the dinner that followed, I found a way to sit next to her and chat her up."

They began dating and eloped in Hawaii in 1995. Now they have three children: daughter Madeline, 9, and twins Harry and Katy, 7.

"I always wanted to have more kids, I just didn't think it would take this long," she says.

In 2000, she was elected to her current Circuit Court seat.

Judging is tough

Being a judge isn't easy, but Manderfield embraces the challenge.

"Paula has a real knack for this job," Gilstrap says. "She reads well into the night after I go to bed. She feels she owes the people who come before her a fair day in court."

Her decision to block the Michigan Civil Rights Initiative drew lots of criticism.

"I had a good feeling I was going to be reversed, but I thought it was the right thing to do," she says. "I think I said the proposal wording was deceptive and misleading. The federal judge ruled it was a deceptive campaign, but there wasn't any law against lying."

The Ricky Holland murder trial was tough for other reasons.

"It was depressing," she says. "It was really ugly. I'd go home and look at my 7-year-old son - he's Ricky's age - and it was difficult. Harry eats so much. About every two hours he needs a couple hundred calories, and I think that's probably what Ricky was doing. You know? He was hungry. This was a really tough case to handle."

Assistant Prosecutor Mike Ferency says she handled it well.

"Because there was lots of media attention ... we were all concerned about making sure Tim and Lisa Holland had a fair trial," he says. "She conducted a difficult trial fairly with a record that is going to stand."

Still, the trial has taken its toll.

"One of my staff said she just wants to stop having nightmares. I can't say I've had nightmares, but it's just hard to stop thinking about it," Manderfield says.

"How do I deal with it?" She jokingly picks up a bottle of wine and laughs. "No, I don't do that," she says. "I try to exercise every day."

"A certain amount of grief is going on," Gilstrap says. "But she knows now she can handle anything. She met her challenge."

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This is a printer friendly version of an article from **The Detroit News**
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December 22, 2006

Child support sting nets \$1.8M

100 arrested on outstanding warrants in 3-day operation for being behind on payments.

Steve Pardo / The Detroit News

MOUNT CLEMENS -- Macomb County Sheriff Mark Hackel has a warning for people behind in their child support payments -- pay up or risk spending the holiday season in jail.

Hackel and county Friend of the Court representatives on Thursday unveiled details of a sting operation this week that resulted in the arrests of 100 people who had warrants out for their arrests for failing to pay child support.

The three-day sting operation concluded Wednesday. The 100 people arrested owed a combined \$1.8 million in back payments, Hackel said. Many of the people arrested quickly paid the money they owed.

"We found out that many of these people did not want to make Macomb County Jail their home for the holidays," Hackel said.

The end result means tens of thousands of dollars in back child support is now available to children and their families before Christmas, said Lynn Davidson, director of the Macomb County Friend of the Court.

"We're coming into the winter and you've got higher costs all the way around," she said. "This means there's more money going to these families."

Sixteen deputies working the day and afternoon shifts worked on rounding up the 100. The sting was paid for by a \$37,000 state grant and had to be used to enforce bench warrants, authorities said.

Davidson believes the recent sting will lead to more people paying what they owe.

"As word gets out we believe many of them suddenly will be inspired to make good on their responsibility to their kids," Davidson said.

It's another example of how officials use creative means to get people who owe support to pay.

In October, Macomb's Friend of the Court office started taking advantage of a state law that allows the county to revoke the sporting license of residents who are behind on child support payments.

You can reach Steve Pardo at (586) 468-3614 or spardo@detnews.com.

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Sweep puts deadbeats in jail for the holidays

More than 100 parents owing child support arrested

PUBLISHED: December 22, 2006

By Jameson Cook
Macomb Daily Staff Writer

Police this week arrested more than 100 parents who were past-due in child support by weeks or months, during a special, holiday sweep.

Macomb County Sheriff's deputies during the day and night rounded up men and women on arrest warrants for failure to pay child support in hopes they would pay up to avoid spending the Christmas holiday in the Macomb County Jail, in a program in conjunction with the Macomb County Friend of the Court.

Some of the offenders avoided a long-term stay by making payments, but many did not, officials said. In all, the offenders targeted in the sweep owed \$1.8 million, and tens of thousands of that had been collected by Thursday afternoon and passed on to recipients.

"This is money going to families when they need it, especially in the winter when they have high heating bills coming," FOC Director Lynn Davidson said.

Deputies also left "Christmas cards" at offenders' homes, encouraging them to visit the FOC office in downtown Mount Clemens to make payment arrangements or face arrest, Macomb County Sheriff Mark Hackel said.

The program was funded in part by a first-time state grant, with the money coming from fees for legal motions, Davidson said. The program and funding are scheduled to become annual events, she said, and said she believes other counties likely are conducting or setting up a similar program.

Officials said they don't sympathize with the offenders since most of them are months behind in payments and at least once have appeared in court in front of a judge, who approved warrants after listening to arguments regarding their case, FOC officials said. Or the offenders failed to show up for a hearing.

"These are people who know that they are behind," said Thomas Blohm, FOC enforcement director. "They can come to us (with payments) if they're worried about being absent from their children during Christmas. The bottom line isn't with us, it's with them."

The FOC accepts credit cards and other alternative methods of payment. The important factor for those in arrears is to visit with an FOC staffer and make some payments. Staffers take into consideration special circumstances, such as a job loss, officials said.

FOC officials don't necessarily target offenders who owe the most money.

"A single mother owed \$5,000 may need it more than someone of better means who is owed \$100,000," Hackel said.

Officials also targeted offenders who could be located, but geography wasn't a limit, Hackel said, as deputies often travel throughout the state, "even the U.P."

Hackel said his department had great interest that single parents received owed child support. He said his deputies and dispatchers are often contacted by single parents who are trying to deal with payment issues of a noncustodial parent.

The Macomb FOC has about 38,500 active cases, with outstanding warrants for 2,879, officials said. Parents were about \$37.3 million in arrears this year, and a total of \$77 million has been collected.

Before the sweep, officials had made 45 felony arrests and 1,291 civil arrests for non-support this year. Executing the arrests also resulted in hundreds of arrest warrants on other charges. Those arrest amounts are increased from the prior two years.

The Macomb FOC has one of the best records in the state for collecting child-support. The department has made other efforts in recent years to improve its collection. In October, the FOC started revoking or suspending hunting, fishing and other recreational licenses of those who are behind on payments by two months or more.

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http://www.macombdaily.com/stories/122206/loc_deadbeats001.shtml



THE ANN ARBOR NEWS

Survey finds needy in county

Kids Count report says 27% of Livingston residents struggle to meet basic needs

Friday, December 22, 2006

BY LISA CAROLIN

News Staff Reporter

Although Livingston County has the lowest child-poverty rate among the largest counties in Michigan, there are individuals and families in the county who are struggling to meet their basic needs.

That is one of the findings of the recently released Kids Count in Michigan report, which shows that of the 28 counties with a population of at least 65,000, Livingston County ranked the lowest with 6.3 percent of the county's children living at or below the poverty rate in 2005.

The annual report, which is compiled by the Michigan League for Human Services and Michigan's Children, says 27 percent of residents in Livingston County said it is somewhat hard paying for basic needs. Four percent of residents have been concerned about having enough food for themselves or their family in the past 30 days.

"We are seeing an increase in the frequency and the number of visitors," says Erika Karfonta, development manager of the Gleaners Community Food Bank. "Gleaners and our partners served 3,293 Livingston children in 2005."

According to Hunger in America's 2005 report, the average Livingston County resident must make more than \$15 per hour to afford to live in the community, while the average Livingston client receiving emergency food makes \$9 per hour.

"Many of the people in this county struggling to meet their basic needs are employed but not meeting their needs," says Alissa Parks, collaborative community planner for the Livingston County Human Services Collaborative Body. "We are seeing an increase of children insured by Medicaid and receiving food stamps."

"The biggest problem we see is people who work but can't afford to live in Livingston County on the wages they're making," says Catherine Rea Dunning, the Livingston County director of the Oakland Livingston Human Service Agency. "The poverty level is low because people can't afford to live here."

Parks says that to afford a two-bedroom apartment in this county, a resident would need to earn \$15.98 an hour (\$33,240 annually.) She says that close to 20 percent of Livingston County households had incomes under \$35,000.

Bill Sleight, director of Livingston County Michigan Works, says that the county's unemployment rate is lower than the state average but higher than the national average.

"Livingston and Washtenaw counties are islands of prosperity in southeast Michigan," says Sleight. "But the number of young people in this county is declining because young families can't afford to live here. We're also putting people out of high school who leave the county. We've educated them to work somewhere else and that's not sustainable."

Sleight says that between 15,000 and 20,000 people come into Livingston County to work, but he predicts that when the economy improves in surrounding areas, that work force will not be sustainable.

According to Parks, the lack of affordable housing was cited by 74 percent of homeless individuals and families as a reason for their homelessness during the Point in Time count of the homeless in the county Oct. 19, 2006. She says that while it is difficult to point to one cause for the difficulty of people in the county

meeting basic needs, there is data that indicates that residing in Livingston County is expensive, especially related to housing. For more information or to get involved in related community projects, call Parks at 517-552-7140.

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By SARA ROBINSON

First business to be established in Rogers City renaissance zone

A project at least seven years in the making will finally begin to bear fruit in the New Year.

Presque Isle County Economic Development Corporation members approved an offer to purchase by Thunder Bay Martial Arts co-owners Dan and Deb Schackman Thursday, setting the stage for the first business to be established within one of Presque Isle County's renaissance zones.

"It is certainly my pleasure to sign this," said Kammie Dennis, Presque Isle County Development Commission/Economic Development Corporation chair. "This has been a long process for us."

The Schackmans have made plans to establish a martial arts studio on renaissance zone property near Rogers City. The couple has offered martial arts classes in Presque Isle County for more than four years, but classes have been moved around from location to location.

Dan Schackman said the facility constructed in Rogers City will be 50 percent larger than the studio on US-23 in Alpena and will have flooring suitable for exercise equipment. A number of people have already expressed interest in renting out the facility for activities such as dance, aerobics and yoga, Schackman said. Rogers City step aerobics instructor Cassie Bruning said she was considering moving her classes to the facility after it is built.

"There's really all kinds of possibilities," Schackman said.

CDC/EDC member Jane Kroll was pleased Schackman was open to letting the facility be used for activities other than martial arts.

"If this is available for additional things like that, and you intend to market that as available to sell, that brings in, I think, some other jobs," Kroll said. "That's additional income for folks in our community, and things to participate in. I think all of that speaks to quality of life."

Though the EDC approved a purchase agreement Thursday, no money will actually change hands. According to the conditions of the agreement, the business will have to create the equivalent of 1.5 jobs within 18 months. The Schackmans also are required to construct a building on the site within six months.

Now that the offer to purchase has been approved, the EDC and the Schackman's will have until Feb. 15 to negotiate a development agreement. A closing on the property will occur on or before April 15.

CDC/EDC Director William Valentine said having a business established in one of the county's renaissance zones may go a long way in helping the City of Rogers City with forgiveness of a \$200,000 loan it used to bring water and sewer lines to the renaissance zone property. Originally, the Michigan Economic Development Corporation, which granted the loan, required the creation of 20 new jobs in order for the loan to be transformed to a grant. Later, the MEDC reduced the job creation requirement by half, Valentine said. Because a number of communities have struggled to fill renaissance zone property, the number of new jobs needed in order for loans to be forgiven may be negotiable, he said.

"I think this helps us a lot," Valentine said. "We're hopeful that the \$200,000 will not become a loan, but will be considered a grant."

In other business:

? The CDC approved sending a letter of support for an effort by the Presque Isle District Library, the Michigan Department of Human Services, Michigan Works, and Presque Isle Academy to receive a grant for the establishment of a General Equivalence Degree program in the county.

? The CDC also approved sending a letter of support for the Millersburg Historical Society's bid for a Prosperity Grant from the Michigan Land Use Institute for renovation of the village's train depot.